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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,645	07/25/2003	Douglas G. Placek	240932US0	1403
22850	7590	05/05/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
KHAN, AMINA S				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
05/05/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/626,645

Applicant(s)

PLACEK ET AL.

Examiner

AMINA KHAN

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/3/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 12, 16-25, 27-29, 33, 35-37, 39 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 12, 16-25, 27-29, 33, 35-37, 39 and 43-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on April 3, 2008.
2. Claims 1,2,12,16-25,27-29,33,35-37,39 and 43-45 are pending. Claims 3-11,13-15,26,30-32,34,38,40-42 and 46-58 have been cancelled.
3. Claims 1,2,12,16-18,20,23-25,27,28,33,35-37,39 and 43-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Roos et al. (US 6,403,746) in view of Kinker et al. (US 5,696,066) for the reasons set forth in the previous office action.
4. Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Roos et al. (US 6,403,746) in view of Kinker et al. (US 5,696,066) and further in view of Sluham (US 3,518,917) for the reasons set forth in the previous office action.
5. Claims 1,18,19,20 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mottus (US 3,311,597) in view of Kinker (US 5,696,066) for the reasons set forth in the previous office action.
6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mottus (US 3,311,597) in view of Kinker et al. (US 5,696,066) and further in view of Sluham (US 3,518,917) for the reasons set forth in the previous office action.

7. Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Mottus (US 3,311,597) in view of Kinker et al. (US 5,696,066) and further in view of Liesen (US 6,323,164) for the reasons set forth in the previous office action.

Response to Arguments

8. Applicant's arguments filed regarding Roos or Mottus in view of Kinker have been fully considered but they are not persuasive. The examiner argues that one of ordinary skill in the art would have been motivated to combine the two references because Roos clearly teaches combining the instantly claimed monomers in the presence of 5-5% by weight mineral oil and polymerizing the monomers (column 3, lines 1-5; column 16, claim 1). Kinker clearly teaches that polymerization of similar monomers may be done in an oil soluble diluent such as mineral oil or polyol esters such as neopentyl glycol dioleate (column 2, lines 40-55; column 3, line 45). It would have been obvious to arrive at the instantly claimed invention by modifying the methods of Roos by substituting the neopentyl glycol dioleate for mineral oil in the teachings of Roos because Kinker teach these diluents as functionally equivalent for polymerizing methacrylate monomers for lubricating oils. Regarding the combination of Mottus in view of Kinker, Mottus clearly teaches adding adding the methacrylate polymers as dispersants to lubricating oils in amounts of from about 0.5% to about 15% (column 2, lines 45-55). For these reasons the rejections are maintained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMINA KHAN whose telephone number is (571)272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796

/Amina Khan/
Examiner, Art Unit 1796
April 30, 2008